



Brick by Brick

A Half-Decade of Immigration Enforcement and the Need for Comprehensive Immigration Reform

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Immigration Team preface

The United States has undertaken a massive immigration enforcement initiative over the past five years. The report that follows, written by C. Stewart Verdery, assistant secretary for border and transportation security policy at the Department of Homeland Security from 2003-2005, catalogues the spectrum of measures and the breadth of enforcement resources that have been deployed during this period.

The Center for American Progress believes that strong border enforcement and tough worksite enforcement on law-breaking employers are fundamental components of a rational immigration system. That does not mean, however, that we endorse all of the enforcement tactics that have been adopted over the past five years.

Many of the initiatives that are detailed in this report reflect sensible steps to restore the rule of law. But CAP believes that others—the so-called “287g program,” for example—misallocate resources and have had a destructive effect on communities. From CAP’s perspective, initiatives like the expansion of expedited removal and mandatory detention policies also raise serious concerns of fairness, proportionality, and due process. Moreover, any massive enforcement apparatus struggles to maintain the integrity of established standards and operationalize leadership priorities. So even smartly designed enforcement policies can become deeply flawed when implemented, leading to widespread rights violations and other unintended consequences.

Irrespective of where one comes down on the wisdom of specific enforcement measures, the unprecedented commitment of resources to border and interior enforcement is inarguable. Anti-immigration agitators and politicians who seek to use immigration as a wedge issue argue that we cannot reform our legal immigration system until we have secured the border. The findings contained in this report demonstrate the untenability of this “enforcement-first” line of argument.

Further, the sustained infusion of resources into our enforcement agencies should create confidence in legitimately skeptical legislators and a frustrated public that

the commitment to enforce the nation's immigration laws is real. Those enforcement efforts, however, must be coupled with broad and systematic legal reforms to be effective in restoring order and control to our system. The enforcement will and infrastructure now exist, but we cannot enforce our way to a rational legal system. Large-scale systemic dysfunction will persist until Congress can muster the political courage to enact comprehensive immigration reforms.

CAP has articulated a set of principles that it believes should guide a legislative overhaul of our immigration system. In brief, those principles include:

- **Establish smart enforcement policies and safeguards.** Meaningful reform will restore the rule of law by marrying smart workplace and border enforcement initiatives with legal reforms that embrace 21st century economic and social imperatives. Reform must restore the integrity of our borders and the legality of our workforce. Efforts in recent years to expand immigration enforcement by state and local authorities have resulted in an uneven patchwork of laws and have undermined community policing initiatives.
- **Resolve the status of those illegally present in the United States.** Reform cannot restore the rule of law if it ignores the 12 million residing in the United States without legal status—to do so amounts to amnesty by inaction. It is unrealistic to suggest that the government pursue mass deportation for 12 million people; doing so would require a convoy of more than 200,000 buses that would stretch more than 1,800 miles. CAP research also estimates that mass deportation would cost nearly \$300 billion over five years.
- **Create legal channels that are flexible, serve the U.S. interest, and curtail illegal immigration.** Current family and employment immigration channels are rigid, cumbersome, and outdated. Reform will require dealing with the remnants of the decades of a broken immigration system by facilitating the entry of individuals with applications stuck in backlogs. But we cannot simply focus on addressing the byproducts of the current broken system and not expect new problems to arise. We must establish a 21st century system that replaces illegal immigration and unconscionable backlogs with a flexible framework that advances the nation's dual interest in economic growth and family unity.
- **Protect U.S. workers from globalization's destabilizing effects.** Replacing undocumented immigration with regulated immigration is necessary but not sufficient to protect native U.S. workers and future immigrant workers from

exploitation. Future immigrants must be afforded the full panoply of labor protections to prevent employers from playing native and foreign workers off against each other in a race to the bottom.

- **Foster an inclusive American identity.** The integration of large numbers of immigrants constantly tests, and ultimately strengthens and deepens our national commitment to equality, freedom, and opportunity. The success of immigration reform over the long haul will therefore hinge on our ability to integrate current and future immigrants into the nation's social and cultural fabric by effectively promoting English language learning, civic education, and volunteerism.

The Center for American Progress is a nonpartisan research and educational institute dedicated to promoting a strong, just and free America that ensures opportunity for all. We believe that Americans are bound together by a common commitment to these values and we aspire to ensure that our national policies reflect these values. We work to find progressive and pragmatic solutions to significant domestic and international problems and develop policy proposals that foster a government that is “of the people, by the people, and for the people.”

